

UNIVERSITY OF CENTRAL FLORIDA

THE GOLDEN RULE

2017-2018
STUDENT HANDBOOK
Title IX Policies



UCF

The Golden Rule 5.006 - 10

10. Title IX Policy and Procedures

(a) Federal law, specifically Title IX of the Education Amendments of 1972 (Title IX), prohibits discrimination on the basis of sex in education programs or activities. Title IX prohibits sex discrimination against students, staff and faculty—which includes acts of sexual misconduct, stalking and relationship violence. Title IX also prohibits retaliation for making a good faith report of sex discrimination or participating or being a party to any proceeding involving Sexual Misconduct and/or Interpersonal Violence. A closely related federal law, Section 304 of the Violence against Women Act (“Campus SaVE Act”), requires universities to increase transparency about the scope of sex-related violence on campus, guarantee victims enhanced rights, provide for standards in institutional conduct proceedings, and provide campus wide prevention education and awareness programming.

(b) The University of Central Florida is committed to fostering an environment in which all members of our campus community are safe, secure, and free from sex discrimination, including sexual misconduct, stalking and relationship violence, listed and defined in the Rules of Conduct and Organizational Rules of Conduct (UCF-5.008 and UCF-5.012). Our community expects that all interpersonal relationships and interactions – especially those of an intimate nature – be grounded upon mutual respect and open communication. When learning of conduct or behavior that may not meet these standards, community members are expected take an active role in promoting the inherent dignity of all individuals.

(c) The University encourages any faculty, staff, student or non-student who thinks that they have been subjected to sex discrimination or retaliation by another student, member of the faculty or staff, or third party affiliated with the university, to immediately report the incident to the Office of Institutional Equity.

(d) The University strives to promote the safety and well-being of all students and employees. This information is applicable to students and employees regardless of their sexual orientation, gender identity, or gender expression.

(e) Rights of the Complainant and the Respondent: Any individual (“Complainant”) who discloses having been subjected to any form of sex discrimination, including sexual assault/misconduct, sexual exploitation, relationship violence, stalking, sexual or gender-based harassment, retaliation, or complicity and any individual or Registered Student Organization (“Respondent”) who has been accused of sex discrimination, including sexual assault/misconduct, sexual exploitation, relationship violence, stalking, sexual or gender-based harassment, retaliation, or complicity are afforded the following rights throughout the University investigative process and the student conduct review process. These rights provide a fair process for both parties while also ensuring Complainants’ protections under Title IX and the Campus SaVE Act. These rights are in addition to the rights afforded in the student conduct review procedures outlined in UCF-5.009 (students) and UCF-5.013 (student organizations). Complainant and Respondent rights include the following.

1. Both the Complainant and Respondent are permitted to have an advisor or support person accompany them throughout the university investigative process and student conduct review process. This person will not represent the Complainant or Respondent; address witnesses, investigator(s), the hearing body or any other party; or otherwise directly participate throughout the university investigative process and/or student conduct review process. In addition, if the selected person is a witness, the person cannot be an advisor or support person.
2. Both the Complainant and Respondent have the right to remedial and protective measures and shall be notified of available assistance at the University.
3. Both the Complainant and Respondent will have equal opportunity to present relevant witnesses and other information during the investigative process and during a formal hearing. Prior to the initiation of the student conduct review process, the investigator has the discretion to determine the relevance of any proffered evidence and to include or exclude certain types of evidence. In general, the investigator will not consider statements of personal opinion, rather than direct observations or reasonable inference from the facts, or statements as to any party's general reputation for any character trait.
4. If the investigative process results in a recommendation to initiate the student conduct review process, both the Complainant and Respondent will receive notice to attend a preliminary conference meeting with the Office of Student Conduct and be informed of the available resolution options in the student conduct review process.
5. During the Student Conduct Review Process, both the Complainant and Respondent shall be informed of the Administrative Hearing Officer assigned to the case and shall have the opportunity to challenge the impartiality of the individual within three (3) business days of notification.
6. Both the Complainant and Respondent will be afforded similar and timely access to any information made available through the investigative process and/or that will be used during the student conduct review process.
7. If the matter proceeds to a formal hearing, both the Complainant and Respondent may submit a list of proposed questions related to the alleged incident to be asked during the formal hearing. The relevancy of proposed questions will be determined by the conduct officer or hearing body. During a formal hearing, all questions shall be asked through the hearing body. Both Complainant and Respondent should not be questioned directly by one another.
8. Both the Complainant and Respondent will have equal opportunity to present relevant witnesses and other information during the investigative process and a formal hearing. Relevancy and timeliness will be determined by the investigator(s), conduct officer or formal hearing body.
9. Both the Complainant and Respondent may not have irrelevant past conduct, including sexual history, discussed during the formal hearing. The issue of relevancy shall be determined by the investigator, conduct officer or hearing body.

10. Both the Complainant and Respondent will be provided access to participate, during the entire formal hearing in person, via videoconference, by telephone or by other means available.
11. Where there is a proposed finding of responsibility on one or more of the allegations as a result of formal hearing, both the Complainant and the Respondent may submit a statement to the Office of Student Conduct for consideration by the hearing body in recommending appropriate sanction(s). The Complainant may submit a written statement describing the impact of the Prohibited Conduct on the Complainant and expressing a preference about the sanction(s) to be imposed. The Respondent may submit a written statement explaining any factors that the Respondent believes should mitigate or otherwise be considered in determining the sanction(s) imposed. The Office of Student Conduct will ensure that each of the parties has a reasonable opportunity to review any statement submitted by the other party. The timeframe for submitting such statements shall not exceed five (5) business days from the date of the formal hearing.
12. Both the Complainant and Respondent will be informed, concurrently and in writing, of the outcome of the investigative process, the student conduct review process, and the outcome of the appeal process, in accordance with federal guidelines.
13. Both the Complainant and the Respondent have the right to appeal the outcome of the Student Conduct Review Process on the basis outlined in the applicable Student Conduct Appeals section-UCF-5.010 (individual student) or UCF-5.013 (registered student organization).
14. Both the Complainant and Respondent will be given periodic status updates throughout the investigative process and the Student Conduct Review Process.

(f) Administrative hearing officers and panel members who hear cases of sex discrimination (including sexual harassment, sexual misconduct, stalking and relationship violence) receive annual training on how to conduct fair and impartial hearings for these types of cases.

Title IX Policy Information and Additional Resources

(a) Prohibited Acts: Every member of the University community is prohibited from:

1. Engaging in sex discrimination, which includes but is not limited to sexual misconduct, sexual assault, sexual exploitation, relationship violence, stalking, sexual or gender-based harassment, sexual harassment, and complicity in the commission of any of these acts;
2. Retaliating in any manner against an individual for reporting, in good faith, any of these forms of conduct or participating in or being a party to any investigation or proceeding under the Golden Rule Student Handbook or the University's Prohibition of Discrimination, Harassment and Related Interpersonal Violence Policy;
3. Interfering with procedures to investigate or redress a complaint of sex discrimination; and,
4. Making an intentionally false accusation of sex discrimination (including sexual assault, sexual harassment, relationship violence, and stalking) or retaliation through the University's procedures. Any university student or registered student organization who engages in one of these prohibited acts may be subject to corrective action and appropriate sanctions pursuant to the Rules of Conduct or Organizational Rules of Conduct in the Golden Rule Student Handbook.

(b) Reporting: Sex discrimination, including sexual misconduct, relationship violence, and stalking can involve anyone interacting with our campus community, including but not limited to:

Student / Student

Faculty Member / Student

Teaching Assistant / Student

Staff Member/Student

Administrator / Student

Supervisor / Employee

Third Party Affiliated with the University / Student

Staff Member / Staff Member

Faculty Member / Faculty Member

Faculty Member / Staff Member

Administrator / Faculty Member

Administrator / Staff Member

Third Party Affiliated with the University / Employee

Any member of the UCF community can report sex discrimination by completing the online reporting form at <https://shield.ucf.edu/> and clicking on the "Report" link in the upper right

hand corner. Additional reporting forms can be found at <http://osrr.sdes.ucf.edu/titleix> and cares.sdes.ucf.edu/report.

1. Individuals may report incidents of sex discrimination to university employees that are then responsible for promptly notifying the Office of Institutional Equity of the reported incidents. An employee's responsibility to report is governed by his/her role at the University. Confidential Employees, as defined in the University's Prohibition of Discrimination, Harassment and Related Interpersonal Violence Policy, are not required to report Prohibited Conduct to the University when the disclosure is made while serving in the role that entitles them under state law to have privileged communications. Confidential Employees at the University of Central Florida include the following: Health Services employees; Counseling and Mental Health Services employees; Employee Assistance Program employees; Ombuds Office employees; Victim Services employees; Student Legal Services employees; and, Campus Faiths and Ministries organizations' chaplains. Responsible Employees, as defined in the University's Prohibition of Discrimination, Harassment and Related Interpersonal Violence Policy, are required to immediately report to the University's Office of Institutional Equity all relevant details (obtained directly or indirectly) about an incident of Sex/Gender-Based Discrimination or Harassment, Sexual Harassment, Sexual Assault, Sexual Exploitation, Relationship Violence, and/or Stalking (as defined herein) that involves any Student as a Complainant, Respondent, and/or witness, including dates, times, locations, and names of parties and witnesses. Reporting is required when the Responsible Employee knows (by reason of a direct or indirect disclosure) or should have known of such Sex/Gender-Based Discrimination or Harassment, Sexual Harassment, Sexual Assault, Sexual Exploitation, Relationship Violence, and/or Stalking. Responsible Employees include (but are not necessarily limited to) Faculty (full-time and part-time), Staff (full-time and part-time), Resident Assistants, graduate students with classroom responsibilities, Campus Security Authorities, and DSOEs. This manner of reporting may help inform the University of the general extent and nature of Prohibited Conduct on and off campus so the University can track patterns, evaluate the scope of the problem, and formulate appropriate campus-wide responses. If a Responsible Employee is uncertain if specific conduct constitutes conduct that must be reported, the Responsible Employee should contact the Office of Institutional Equity for assistance with making this determination.

All "Responsible Employees" MUST complete and submit an online form (www.shield.ucf.edu, www.osrr.sdes.ucf.edu/titleix, or cares.sdes.ucf.edu/report), hand-deliver a form and/or call the Office of Institutional Equity when made aware of an incident of sex discrimination which includes sexual misconduct, sexual assault, sexual exploitation, relationship violence, stalking, sexual or gender-based harassment, sexual harassment, and/or complicity in the commission of any of these acts that involves any student as a Complainant, Respondent, and/or witness. Responsible Employees are not required to report information disclosed (1) at public awareness events (e.g., "Light Up the Night," Clothesline Project, candlelight vigils, protests, "survivor speak-outs" or other public forums) in which Students may disclose incidents of sex discrimination; (2)

during a Student's participation as a subject in an Institutional Review Board-approved human subjects research protocol ("IRB Research"); or (3) as part of coursework submitted to an instructor in connection with a course assignment.

2. The University of Central Florida's Title IX Coordinator is charged with monitoring the University's compliance with Title IX, ensuring appropriate education and training, coordinating the University's investigation, response, and resolution of all reports of sex discrimination and ensuring appropriate actions to eliminate sex discrimination, prevent its recurrence, and remedy its effects. UCF's Office of Institutional Equity oversees reports involving Students, Employees, registered student organizations, DSOEs, and Third Parties. The University also has designated Deputy Title IX Coordinators who may assist the Title IX Coordinator in the discharge of these responsibilities. The Title IX Coordinator and Deputy Title IX Coordinators can be contacted as follows:

Title IX Coordinator: Dawn Welkie, Esq.

Wayne Densch, Building 38, Suite 123 (12692 Gemini Blvd. S., Suite 123, Orlando, FL 32816-0030)

407- 823-1336

Dawn.Welkie@ucf.edu

Deputy Title IX Coordinator for Students: Dana Juntunen

Ferrell Commons, Building 7F, Suite 227

407-823-4683

Dana.Juntunen@ucf.edu

Ms. Juntunen assists with managing complaints or allegations of sex discrimination (including sexual misconduct, relationship violence and stalking) against students or registered student.

Deputy Title IX Coordinator: Brandi Stuart

UCF Bright House Networks Stadium, Student-Athlete Welfare & Development

407-823-4236

bstuart@athletics.ucf.edu

Ms. Stuart assists with managing complaints or allegations of sex discrimination (including sexual misconduct, relationship violence and stalking) involving student athletes.

3. Any person may file an external complaint to the following agency:

U.S. Department of Education

Office for Civil Rights

61 Forsyth Street S.W., Suite 19T10

Atlanta, GA 30303-8927

PHONE: (404) 974-9406

FAX: (404) 974-9471

EMAIL: OCR.Atlanta@ed.gov

TDD: (800) 877-8339

<https://www2.ed.gov/about/offices/list/ocr/docs/howto.html>

4. Complaints of sexual misconduct, relationship violence and stalking also may be reported to the University of Central Florida Police Department and other local law enforcement authorities. The Title IX Coordinator and Deputy Title IX Coordinator can assist individuals in contacting law enforcement agencies.
5. To encourage reporting, any individual (including a bystander or third party) who makes a good faith report of sex discrimination will not be subject to disciplinary action by the University for the reporter's own personal use of alcohol or drugs at or near the time of the incident provided any such violations did not harm or place the health or safety of any other person at risk. The University may offer support, resources and educational counseling to such an individual.

(c) Investigative Process for Students

1. Initial Report: When the Office of Institutional Equity (OIE) receives a report of alleged sex discrimination, (including sexual misconduct, sexual assault, sexual exploitation, relationship violence, stalking, sexual or gender-based harassment, and sexual harassment), complicity in the commission of any of these acts, or retaliation for reporting or participating in a process related to an investigation of such acts, OIE will notify the Remedial and Protective Measures Designee, who will contact the complainant for a meeting to discuss interim remedial and protective measures, support resources, reporting options, and information regarding the University's investigative process.
2. OIE also will contact the complainant to share information regarding the University's investigative process, reporting options, and available resources. The University will review all allegations of reported sexual misconduct and/or interpersonal violence and determine an appropriate course of action. Some cases can be handled informally and outside of the formal investigative process, although the University will not mediate cases of sexual misconduct, sexual assault, relationship violence and/or stalking even on a voluntary basis. If the complainant decides to pursue an investigation by the University, OIE will interview the complainant about the incident(s) and review relevant documentation provided by the complainant. For cases that result in an investigation, those investigations are conducted by individuals who have received specialized training in those types of investigations. All investigations will be conducted in a thorough and neutral manner. In all instances and to the extent possible, the University will protect the privacy of all parties. If a complainant requests that their name or other identifying information not be used in an investigation, the University will consider the request in light of the context of its responsibility to provide a safe and nondiscriminatory environment. In most cases, information including the complainant's name may be shared with the respondent, witnesses, and with university officials who have a legitimate need to know.
3. Following the complainant's substantive interview, OIE will conduct an assessment of the merits of the allegations to determine whether the conduct at issue, if it occurred as alleged, may violate the Golden Rule Student Handbook or the University's Prohibition of Discrimination, Harassment and Related Interpersonal Violence Policy. To make this

determination, OIE's analysis is guided by state and federal law. If OIE determines that the conduct would not violate the Golden Rule Student Handbook or the University's Prohibition of Discrimination, Harassment and Related Interpersonal Violence Policy even if all the allegations are credited, OIE will advise the Complainant of its determination and will not undertake further investigation. OIE may notify other individuals (including the Respondent) or offices within the University of the reported allegations in order to mitigate the impacts of any potentially discriminatory conduct. If, based on the allegations, OIE determines that the alleged conduct may violate the Golden Rule Student Handbook or the University's Prohibition of Discrimination, Harassment and Related Interpersonal Violence Policy, the investigation will proceed as described below in 5.

4. If the complainant does not respond to OIE's outreach, responds and indicates a desire to not participate in the University's investigative process, or responds and requests that an investigation not be conducted, the OIE's staff will consult with the Title IX Coordinator regarding whether Title IX requires the University to continue with the investigation despite the complainant's decision to not participate in the process or request that an investigation not be conducted. In this regard, OIE and the Title IX Coordinator will consider the reasons for the nonparticipation or request, including concerns about continued safety of the person reportedly harmed and members of the campus community. OIE and the Title IX Coordinator also must balance considerations about the continued health and safety of members of the community against a complainant's desire not to have the report investigated. In cases when a complainant does not want to have a report investigated, but OIE has concerns that not taking formal or informal action might endanger the health or safety of members of the campus community, OIE may initiate private consultation with appropriate individuals to analyze the situation and assist in determining appropriate measures to take. Consultation may occur with the Deputy Title IX Coordinators, Director of OIE, Associate Vice President and Dean of Students, Students of Concern Team, UCF Police, licensed psychological health professional, Executive Director of Housing and Residence Life, Chief HR Officer, Director of the Office of Student Conduct and/or General Counsel. The University may need to proceed with investigating and adjudicating the case regardless of the wishes of the complainant in those cases whereby the situation is determined to pose a significant danger to the University community, including, but not limited to: cases involving significant violence, cases in which the University has reason to believe that the Respondent has harmed more than one individual, or cases in which there is deemed to be a threat to the campus community. The Title IX Coordinator will make the ultimate decision about whether to move forward with an investigation or respond to the report in another manner. It is important to note that a Complainant's request for anonymity and/or inaction may hinder or limit a response by the University.
5. Investigative Stage:
 - a. Title IX Investigators and/or the Title IX Coordinator will notify the Respondent of the investigation. The Remedial and Protective Measures Designee will contact the Respondent for a meeting to discuss interim remedial and protective measures, support resources, and information regarding the University's investigative process.

- b. The Title IX Investigators and/or the Title IX Coordinator will conduct individual interviews with the Complainant, Respondent, and witness(es) (if applicable), and collect all relevant evidence. The Complainant or the Respondent will not be permitted to participate in each other's interview process. All interviews will be recorded in written form and each party will be provided with the opportunity to review their respective interview summaries to ensure accuracy and provide any additional information.
 - c. Both the Complainant and Respondent are permitted to have an advisor or support person of their choosing accompany them throughout the entire process. None of these parties can also serve as a witness. No other parties may be present for the investigative interviews and meetings with OIE.
 - d. Persons requiring a reasonable accommodation based on disability throughout the process must alert the Title IX Investigator or Title IX Coordinator of their need/request prior to the start of any meeting with supporting documentation.
 - e. Both the Complainant and Respondent will have equal access to review and comment upon any information independently developed during the university investigation process from their interviews prior to a final investigative report being submitted by the Title IX Investigator(s)/Title IX Coordinator to the Deputy Title IX Coordinator for Students.
 - f. At the conclusion of the investigation, the Title IX Investigator(s)/Title IX Coordinator will submit a final investigative report, which will summarize all interviews and relevant information (as determined by the Title IX Investigator(s)/Title IX Coordinator) and set forth the investigator's factual findings to the Deputy Title IX Coordinator for Students.
6. Determination Stage: The Deputy Title IX Coordinator for Students will review the documentation provided by the Title IX Investigator(s)/Title IX Coordinator and determine whether there is "cause" to forward the case to the Office of Student Conduct with a recommendation that the Office of Student Conduct charge the Respondent with alleged violations of university policy.
- a. If the Deputy Title IX Coordinator for Students determines that there is "no cause," all parties will be issued a letter stating such, and the matter will be closed (note: this does not prohibit the complainant from independently initiating external criminal charges).
 - b. If the Deputy Title IX Coordinator for Students determines that there is "cause," the Deputy Title IX Coordinator for Students' written recommendation, along with a copy of OIE's investigative report and all other supporting information, will be forwarded to the Director of the Office of Student Conduct. A finding of "cause" at this stage is not a finding of a violation. The Office of Student Conduct will charge the student and/or registered student organization through the Student Conduct Review Process when there is evidence of facts which reasonably allow the university to conclude that sex discrimination, sexual misconduct, sexual assault, sexual exploitation, relationship violence, stalking, sexual or gender-based harassment, sexual harassment, complicity in the commission of any of these acts, or retaliation for reporting or participating in a process related to an investigation of such acts as

defined by the Rules of Conduct may have occurred. Thereafter, the Office of Student Conduct shall follow due process and its standard University adjudicative procedures as outlined in the Golden Rule (section UCF-5.009 and UCF-5.013). The investigation and conduct proceeding shall use the “preponderance of evidence” standard. This standard is based on a “more likely than not” threshold that a particular fact or violation(s) of the UCF Rules of Conduct or Organizational Rules of Conduct did occur. The parties will be provided equal opportunity to present relevant witnesses and evidence throughout the conduct process. In addition, both the complainant and respondent will have full-disclosure to inspect and review all evidence/materials prior to the hearing. (See section UCF-5.006 (9) (e) for additional rights of the complainant and respondent during the Student Conduct Review Process).

(d) Student Conduct Review Process:

Any student found in-violation of the Rules of Conduct for sex discrimination, sexual misconduct, sexual assault, sexual exploitation, relationship violence, stalking, sex or gender-based harassment, sexual harassment, complicity in the commission of any of these acts, or retaliation for reporting or participating in a process related to an investigation of such acts is subject to disciplinary action from the University including but not limited to disciplinary probation, deferred suspension, disciplinary suspension, disciplinary dismissal, or disciplinary expulsion. In addition to issuing punitive sanctions, educational requirements such as but not limited to attendance at seminars, workshops, presentations, writing papers, and conducting interviews on what constitutes consent and other relevant topical areas will also be imposed. Any registered student organization found in violation of the Organizational Rules of Conduct for sex discrimination, sexual misconduct, sexual assault, sexual exploitation, relationship violence, stalking, sex or gender-based harassment, sexual harassment, complicity in the commission of any of these acts, or retaliation for reporting or participating in a process related to an investigation of such acts is subject to disciplinary action from the University including but not limited to organizational probation, organizational deferred suspension, organizational suspension, or recommendation of charter revocation. In addition to issuing punitive sanctions to organizations, educational sanctions such as but not limited to attendance at seminars, workshops, presentations, writing papers, and conducting interviews on what constitutes consent and other relevant topical areas will also be imposed. The University strives to conclude each Title IX investigation (including the student conduct review process) within 60 calendar days. For various reasons, this may not be feasible. The University reserves the right to extend investigations beyond this timeframe based on various circumstances (i.e., breaks between academic semesters, holidays, emergency University closings, compliance of involved parties, etc.)

(e) Remedial and Protective Measures:

The University offers a wide range of resources for students and employees whether as Complainants, Witnesses or Respondents, to provide support and guidance throughout

the initiation, investigation, and resolution of a report of sex discrimination, sexual misconduct, sexual assault, sexual exploitation, relationship violence, stalking, sex or gender-based harassment, sexual harassment, complicity in the commission of any of these acts, or retaliation for reporting or participating in a process related to an investigation of such acts. The University will offer reasonable and appropriate measures to protect a Complainant and facilitate the Complainant's continued access to university employment or education programs and activities. These measures may be both remedial (designed to address a Complainant's safety and well-being and continued access to educational opportunities) or protective (designed to reduce the risk of harm to an individual or community). Remedial and protective measures, which may be temporary or permanent, may include no-contact directives, residence modifications, academic modifications and support, work schedule modifications, suspension from employment, assistance with arranging for escorts or transportation, assistance with arranging initial counseling sessions, and pre-disciplinary leave from employment (with or without pay). Remedial and protective measures are available regardless of whether a Complainant pursues a complaint or investigation with the University. Also, remedial measures may be taken before the University's determination of whether the alleged misconduct occurred, as well as when the Respondent is not affiliated with the University. Requests for any of the aforementioned remedial and protective measures for a student will be coordinated by the Remedial and Protective Measures Designee, Deputy Title IX Coordinator for Students or designee. The University will maintain the privacy of any remedial and protective measures provided to the extent practicable and will promptly address any violation of the remedial and protective measures. The University has the discretion to impose and/or modify any remedial or protective measure based on all available information, and is available to meet with a Complainant, Respondent or Witness to address any concerns about the provision of remedial or protective measures.

The University will provide reasonable remedial and protective measures to third parties as appropriate and available, taking into account the role of the third party and the nature of any contractual relationship with the University.

(f) Interim Actions:

If the Director of the Office of Student Conduct or designee, upon notifying the Vice President of Student Development and Enrollment Services or designee decides that a threat of imminent harm to persons or property exists, an interim suspension may be imposed on a student or registered student organization who is suspected of violating the Rules of Conduct or Organizational Rules of Conduct as outlined in the Golden Rule [section UCF-5.009 (1) (a), UCF-5.013 (1) (a)]. Interim administrative action is not a sanction. It is taken in an effort to protect the safety and well-being of the Complainant and/or Respondent, of others, of the University, or of property. Interim administrative action is preliminary in nature; it is in effect only until there is a resolution of the student or registered student organization conduct matter.

(g) On Campus Services and Resources:

The University recognizes the importance of offering assistance and support for individuals who feel they are a victim of sex discrimination or retaliation. Individuals are highly encouraged to contact one or more of the following offices.

Counseling & Psychological Services (CAPS) – licensed and clinical mental health professionals who can provide confidential, ongoing, emotional and psychological support for students who have experienced any form of sex discrimination. A student may contact the office at (407) 823-2811 or via website: www.caps.sdes.ucf.edu to speak with a counselor. All services are available to currently enrolled UCF students.

Student Health Services (SHS) – licensed medical physicians and therapists trained to confidentially assist students who have experienced any form of sex discrimination. Student Health Services does provide exams and works closely with Victim Services and Student Care Services to ensure students receive quality ongoing care. Note: Student Health Services does not collect nor maintain sexual assault evidence. Medical professionals are available if you have questions, they can be contacted at 407-823-2701 or via website: www.shs.sdes.ucf.edu.

UCF Victim Services – trained to assist complainants of sex discrimination (including sexual misconduct, relationship violence and stalking) will speak with a student confidentially as the student considers options. UCF Victim Services Advocates can be contacted at (407) 823-2425 or via website: www.victimservices.ucf.edu. Victim Services can assist students with understanding their rights and reporting options and provide ongoing advocacy.

Student Care Services (SCS) – offers guidance, resources, and referrals to UCF students who are experiencing a distressing situation which significantly impacts academic or personal success. The SCS team coordinates referrals to campus and community resources, develops action plans for student success, oversees the Student of Concern process, and provides education and outreach to university and community members. The goal of Student Care Services is to intervene before a student reaches crisis level and ensure the safety of both the student and the UCF community. SCS also oversees the UCF Cares initiative, an umbrella of care-related programs, resources and staff dedicated to fostering a caring community of Knights. SCS can be contacted at 407-823-5607 or via the following websites: <http://scs.sdes.ucf.edu>, www.ucfcares.com or <http://cares.sdes.ucf.edu>.

UCF Police Department (UCFPD)– students who have experienced sexual assault, relationship violence and/or stalking are encouraged to seek the assistance of the University of Central Florida Police Department at 911 or non-emergency (407) 823-5555 or via website: www.police.ucf.edu. If a student is not sure whether criminal conduct is involved, an officer can assist the student in determining whether a crime has been committed. If the incident occurred off campus, an officer can assist the student in contacting the appropriate law enforcement agency.

UCF Shield – serves as a comprehensive source for information about identifying, preventing, and responding to sex discrimination (including sexual misconduct, sexual

assault, and relationship violence and stalking) affecting members of the UCF community. The purpose of UCF Shield is to help provide a safe educational, working, and living environment. Students seeking 24/7 advocacy and support can call 407-823-1200 or visit the website at www.shield.ucf.edu for additional information and to report incidents of this nature.

UCF Office of Student Rights and Responsibilities (OSRR)- promotes a campus climate of integrity, civility, accountability, and student well-being by providing a wide array of resources, education, and support services for the university community. The OSRR office is comprised of: Student Conduct, Integrity and Ethical Development and Student Care Services. OSRR also oversees the Golden Rule Student Handbook, The UCF Creed, the UCF Cares Initiative, student sexual misconduct and interpersonal violence prevention education and outreach, and remedial and protective measures for complainants, respondents and witnesses involved in sex discrimination incidents. UCF Student Financial Assistance –for financial aid services for students who have experienced sex discrimination, contact the Office of Student Financial Assistance, a unit within Student Development and Enrollment Services, dedicated to supporting UCF’s mission and goals through the efficient delivery of student aid. For more information contact 407-823-2827 or www.finaid.ucf.edu.

Wellness and Health Promotion Services (WHPS) – provides education materials on HIV/AIDS as well as testing students free of charge. In addition, WHPS offers a wide variety of services and programming aimed at helping all UCF students be healthy knights! WHPS promotes healthy lifestyle habits associated with higher academic performance by providing outreach and educational workshops on safer sex, nutrition, stress management, alcohol and other drugs, sleep, healthy relationships and body image. To support student safety WHPS provides training in sexual violence prevention as well as HIV Testing and Risk Reduction Counseling. WHPS offers massage and biofeedback assisted relaxation training to help students manage stress and coordinates the Healthy Knights 2020 initiative, an SDES collaborative effort focused on promoting the health of all UCF students. To schedule an appointment, please call 407-823-5841 or visit <http://whps.sdes.ucf.edu/services> for more information.

Title IX Coordinator and Deputy Title IX Coordinators:

Title IX Coordinator Dawn Welkie, Esq.

Wayne Densch, Building 38, Suite 123 (12692 Gemini Blvd. S., Suite 123, Orlando, FL 32816-0030)
407- 823-1336
Dawn.Welkie@ucf.edu

Deputy Title IX Coordinator for Students Dana Juntunen

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Deputy Title IX Coordinator Brandi Stuart

UCF Bright House Networks Stadium, Student-Athlete Welfare & Development

407-823-4236
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(h) Off Campus Services and Resources:

Students who would like to seek local external support services can contact any of the following agencies:

- Brevard County
Sexual Assault Services:
Sexual Assault Victim Services (SAVS)
Hotline: 321-784-4357
www.savsinc.com
- Lake/Sumter Counties
Domestic Violence & Sexual Assault Services:
Haven of Lake and Sumter Counties, Inc.
Hotline: 352-787-1379
www.havenlakesumter.org
- Orange County
Sexual Assault Services:
Sexual Assault Treatment Center
Hotline: 407-497-6701
www.victimservicecenter.com
- Osceola County
Sexual Assault Services:
Sexual Assault Treatment Center
Hotline: 407-497-6701
www.victimservicecenter.com
- Seminole County
Sexual Assault Services:
Sexual Assault Victims Services (SAVS)
Hotline: 407-321-7273
www.savsinc.com
- Volusia County
Sexual Assault Services:
Behavioral Health Services
Hotline: 1-800-503-7621
www.volusiaheriff.org/sexual_assault_hotline.htm

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(5) Sexual Misconduct and/or Interpersonal Violence

(a) Nonconsensual Sexual Conduct – Any nonconsensual sexual contact which occurs on or off the UCF campus.

1. Consent is an understandable exchange of affirmative words or actions, which indicate a willingness to participate in mutually agreed upon sexually activity. Consent cannot be obtained by force, threat, coercion, manipulation, reasonable fear of injury, intimidation, use of position of influence, or through the use of one's mental or physical helplessness or incapacity. The lack of a negative response, lack of protest or resistance, silence, and passivity are not consent. Consent to one form of sexual activity does not imply consent to other forms of sexual activity. Past consent to sexual activity does not imply ongoing further consent.
 - a. Responsibilities - It is the responsibility of the initiator to obtain consent at each stage of sexual involvement.
 - b. Standard - A determination of whether consent exists will be based on the information the initiator of the sexual act knew or should have known as a sober, reasonable person. Being impaired by alcohol or other drugs does not relieve an initiator of a sexual act from obtaining consent.
 - c. Incapacitation - Incapacitation is a state where an individual cannot make rational, reasonable decisions because of mental or physical helplessness, sleep, unconsciousness, or lack of awareness that sexual activity is take is taking place. A person may be incapacitated due to the consumption of alcohol or other drugs, or due to a temporary or permanent physical or mental health condition. A person who is incapacitated lacks the capacity to give consent because they cannot understand the fact, nature, or extent of their sexual interaction.
 - d. Duration of Consent - Consent must be ongoing throughout sexual activity, for each sexual act, and can be withdrawn at any time.
 - I. Within each sexual encounter, there may be separate individual sexual acts involved. Consent to one act by itself does not constitute consent to another act. If verbal consent is not given, ongoing active participation is required for consent.
 - II. The existence of a dating or sexual relationship between the persons involved, or the fact of past sexual relations have occurred between the parties, is not an indicator of consent for any current or future sexual encounter.
 - III. An individual who seeks to withdraw consent must communicate, through clear words or actions, a

decision to cease the sexual activity. Once consent is withdrawn, the sexual activity must cease immediately.

- e. Scope of Consent - Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another.

2. Sexual Contact – includes but is not limited to the following behaviors:

- a. Touching, kissing, fondling (whether over or under clothing) of an individual for the purpose of sexual gratification; and/or
- b. contact, however slight, between the mouth, anus or sex organ of one individual with either the anus or sex organ of another individual; and/or
- c. contact, however slight, between the anus or sex organ of one individual and any other object.

b) Sexual Harassment: Sexual harassment is any unwelcome sexual advance, request for sexual favors, or other unwanted conduct of a sexual nature, whether verbal, non-verbal, graphic, physical, or otherwise, when the conditions for Discriminatory Harassment as defined in 5.012(4)(b) are present. This is conduct that would constitute sexual harassment under federal or state civil rights laws or under University Regulation UCF-3.001, Sexual Harassment may include inappropriate touching, acts of sexual violence, suggestive comments and public display of pornographic or suggestive calendars, posters, or signs where such images are not connected to any academic purpose. A single incident of nonconsensual sexual contact (as defined above) may be sufficiently severe to constitute sexual harassment.

(c) Gender-Based Harassment: Discriminatory harassment that is based on gender, sexual orientation, gender identity, or gender expression, which may include acts of aggression, intimidation, or hostility, whether verbal or non-verbal, graphic, physical, or otherwise, even if the acts do not involve conduct of a sexual nature, when the conditions for Discriminatory Harassment as defined in UCF-5.012(4)(b) are present.

(d) Obscene or Indecent Behavior - Exposure of one's body in such a manner that another party reasonably could be offended or to display sexual behavior which another person reasonably finds offensive.

(e) Voyeurism - Trespass, spying, or eavesdropping for the purpose of sexual gratification.

(f) Solicitation of a Minor – soliciting sexual acts from a minor by oral, written, or electronic means.

(g) Child Pornography – possessing, producing or the dissemination of child pornography

(h) Stalking occurs when a person engages in a course of conduct directed at a specific person under circumstances that would cause a reasonable person to fear for the person's safety or the safety of others, or to experience substantial emotional distress. A "course of conduct" is two or more acts, including but not limited to acts in which a person directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about another person, or interferes with another person's

property. Stalking includes “cyber-stalking,” a particular form of stalking in which a person uses electronic media, such as the internet, social networks, blogs, phones, texts, or other similar devices or forms of contact. Stalking may include, but is not limited to: non-consensual communications (face to face, telephone, email); threatening or obscene gestures; surveillance/following/pursuit; showing up outside the targeted individual’s classroom or workplace; sending gifts and/or notes (romantic, bizarre, sinister, or perverted); and/or making threats.

(i) Sexual Exploitation: Sexual Exploitation is purposely or knowingly doing or attempting to do any of the following:

1. Recording or photographing private sexual activity and/or a person’s intimate parts (including genitalia, groin, breasts or buttocks) without consent;
2. Disseminating or posting images of private sexual activity and/or a person’s intimate parts (including genitalia, groin, breasts or buttocks) without consent;
3. Allowing third parties to observe private sexual activity from a hidden location (e.g., closet) or through electronic means (e.g., Skype or livestreaming of images);
4. Subjecting another person to human trafficking; or 5. Exposing another person to a sexually transmitted infection or virus without the other’s knowledge.
5. Exposing another person to a sexually transmitted infection or virus without the other’s knowledge

(j) Complicity: Complicity is any act taken with the purpose of aiding, facilitating, promoting or complicity in the commission of any act prohibited by the Organizational Rules of Conduct section UCF-5.012(5).

(k) Any attempted acts of sexual misconduct and/or interpersonal violence defined above are also violations of this policy.

The Golden Rule 5.009

Student Conduct Review Process; Sanctions

(1) Violation Reports. Alleged violations of the UCF Rules of Conduct shall be reported in writing to the Director of the OSC or designee. Upon receiving an alleged violation of misconduct, the Director of the OSC or designee may review relevant information and consult with relevant parties regarding the incident in question. Where deemed necessary to protect the safety and well-being of others, of the university, or of property, the Director of the OSC or designee, upon notifying the VP of SDES or designee, may take immediate action to resolve the safety/well-being concern by placing the student on interim suspension. Interim suspension is not a sanction. Interim suspension is preliminary in nature; it is in effect only until there is a resolution of the student conduct matter. An interim suspension is subject to review at a hearing within three (3) business days by the VP of SDES or designee to determine the status of the interim suspension. The outcome of an interim suspension hearing shall remain in effect until the final disposition of formal charges resulting from the circumstances of the case, unless the VP of SDES or designee shall decide otherwise.

- (a) The Director of the OSC will review all information warranting disciplinary action and assign case to the appropriate staff member. The Office of Student Conduct will send written notification to the charged student indicating the nature of the activity in question and what university rules were allegedly violated.
- (b) Upon receipt of an incident report the Office of Student Conduct has six months to charge a student with a violation of the Rules of Conduct. The Office of Student Conduct may exercise discretion when applying the time provision to account for circumstances that warrant a waiver of the six month time limit from the date of discovery (for Title IX related cases see UCF 5.006.10)
- (c) Students charged with alleged violations of the Rules of Conduct will receive notice to attend a required preliminary conference with the Office of Student Conduct to discuss the charges. If the student fails to attend that conference, a hold may be placed on the student's record, preventing them from registering for future classes until the matter is resolved. Students who leave the university or withdraw from a class before a disciplinary matter is resolved may be prohibited from future enrollment until such time as the matter is resolved. The student will receive information regarding the Student Conduct Review Process, including the student's rights during the process, an opportunity to inspect and/or review the information known at the time charges are prepared, and notice on how to contact the Student Government Association Judicial Advisor. At the conclusion of the meeting, the Office of Student Conduct recommends an option for resolution of the disciplinary charges.

(2) Options for Resolution of Disciplinary Charges

- (a) Case Dismissal: The Director of the OSC or designee may dismiss a case if it is found to not have sufficient facts or information to substantiate the claim of misconduct, the accused person is not a student, or the action claimed as misconduct is not a violation of the Rules of Conduct.
- (b) Mediation: Depending on the nature and severity of the alleged violation, the Office of Student Conduct may recommend formal mediation through the Office of Student Rights and Responsibilities as an alternative to disciplinary action. The involved parties must each agree to mediation. Mediation is confidential. In mediation, the parties voluntarily meet with an

impartial mediator to communicate their concerns and needs to each other and to reach their own agreement on the resolution of the case. The participants in mediation are responsible for keeping their agreement or renegotiating it, if necessary. In the event that the participants do not agree to mediate or mediate but do not reach a full and final resolution, the case will be referred back for disciplinary action through an informal or a formal hearing. Breach of a mediated agreement may result in a follow up mediation session or the matter may be referred back through the conduct process at the discretion of the Office of Student Conduct. Mediation will not be a resolution option for cases involving allegations of incidents of Sexual Misconduct and/or Interpersonal Violence.

- (c) Informal Hearing: At the discretion of the Office of Student Conduct, violations found not to warrant a formal hearing may be referred to an informal hearing. At the informal hearing, the charged student has the opportunity to meet with an Office of Student Conduct staff member or designee and accept responsibility for the charges of violation of the Rules of Conduct. At the informal level the matter will be settled by the following outcomes: punitive sanction (disciplinary warning or disciplinary probation) as well as educational sanctions (papers, seminars, community service, etc.). If the matter is not resolved informally, the case will be resolved through a formal hearing. The outcomes from an informal hearing process (decision of responsibility and recommended sanctions) are final and are not eligible to be appealed (UCF-5.010).
- (d) Formal Hearing: If an alleged violation of the Rules of Conduct is not dismissed or otherwise resolved, then the Office of Student Conduct shall present in writing formal charges to the student. The charged student may request either a panel or administrative hearing. The charged student's hearing shall be open only to the charged student, his/her advisor, the hearing body, witnesses (when called upon), and a representative from the Office of Student Conduct. In cases of alleged Academic Misconduct, the student is required to have an academic integrity panel hearing as stated in UCF-5.015.

Formal notification shall include:

1. The student's name and address.
2. Date, time and location of the formal hearing.
3. The rule(s) of conduct allegedly violated as known at the time formal charges are prepared.
4. Names of potential witnesses known at the time formal charges are prepared.
5. A description of any physical or written documentation known at the time charges are prepared.

(3) Formal Hearings.

There are two types of formal hearings – panel hearings and administrative hearings.

(a) Panel Hearings.

1. A panel to consider an individual case shall be randomly selected by the Office of Student Conduct from the Student Conduct Board and shall consist of two (2) faculty and administrative staff members combined, and two (2) student members. One panel member shall be selected by the Office of Student Conduct to chair the hearing and report the purposed finding(s) and recommended sanctions, if any, to the Director of the OSC or designee.

2. At hearings conducted by a panel, an Office of Student Conduct staff member shall act as an advisor to the panel. The Director of the OSC or designee shall receive the panel's proposed finding(s) as to "in violation" or "not in violation" of the Rules of Conduct, and consider any sanctions proposed by the panel.
3. The Director of the OSC or designee may accept the proposed finding(s) of "in violation" or "not in violation" or remand the case for rehearing. If the Director of the OSC or designee accepts the proposed finding(s) of "in violation," they may approve, mitigate or increase the sanctions proposed by the panel.
4. Any decision by the Director of the OSC or designee to alter proposed sanctions or remand a case shall be accompanied by a concise and explicit written statement that explains the basis for that decision.

(b) Administrative Hearings.

1. Administrative hearings shall be conducted by one faculty or staff member selected by the Office of Student Conduct from the Student Conduct Board. The charged student shall be informed of the hearing officer assigned to the case and shall have the opportunity to challenge the impartiality of the individual within three (3) business days of notification. The student shall state in writing the basis for such challenge. A hearing officer so challenged will be excused; however, indiscriminate challenges shall not be permitted. In the event that a student has opted not to challenge the impartiality of a hearing officer prior to the allotted three (3) business days, the assigned hearing officer shall remain as scheduled.
2. At hearings conducted by an administrative hearing officer, an Office of Student Conduct staff member shall act as an advisor to the administrative hearing officer. The Director of the OSC or designee shall receive the administrative hearing officer's proposed finding(s) as to "in violation" or "not in violation" of the Rules of Conduct, and consider any sanctions proposed by the administrative hearing officer.
3. The Director of the OSC or designee may accept the proposed finding(s) of "in violation" or "not in violation" or remand the case for rehearing. If the Director of the OSC or designee accepts the proposed finding(s) of "in violation," they may approve, mitigate or increase the sanctions proposed by the administrative hearing officer.
4. Any decision by the Director of the OSC or designee to alter sanctions or remand a case shall be accompanied by a concise and explicit written statement that explains the basis for that decision.

(c) Conduct of Formal Hearings - the following is furnished as a guide to the sequence of events in a formal hearing. Please note that all formal hearing proceedings are recorded. The recording is part of the official record of the formal hearing and no other recordings are permitted.

1. Reading of charges.
2. Student response of "in violation" or "not in violation."
3. Presentation of information in support of the charges.
4. Opening statement by the charged student.
5. Questioning of the charged student.
6. Presentation and questioning of all other parties.
7. Final questions of the charged student by the hearing body.
8. Closing remarks by the charged student.

9. Hearing is brought to a close; student is invited to await announcement of the proposed finding(s) and recommended sanction(s), if any.
- (d) Deliberations by the panel or the administrative hearing officer are not part of the hearing and are confidential. Deliberations occur after the closure of the hearing and are not recorded. Following deliberations, the panel or the administrative hearing officer will announce to the student the proposed finding(s) and proposed sanction(s), if any. The announcement of the proposed finding(s) and proposed sanction(s), if any, will be recorded as part of the official case record.
- (e) Case Record for Formal Hearing - The case record shall consist of the following items:
1. A copy of the formal charges in writing.
 2. A recording of the formal hearing.
 3. A recording of the announcement of the proposed finding(s) and proposed sanctions, if any.
 4. All staff memoranda submitted.
 5. All items of physical or written documentation submitted, provided such items are not returned to a rightful owner. In that case, photographs or other facsimiles shall be made before return.
 6. The proposed finding(s) and sanction(s) by the hearing panel or administrator, if any.
 7. The Director of the OSC's or designee's decision.
- (f) Student Conduct Board members for panel and administrative formal hearings are selected through an annual application and interview process with the exception of the justices from the Student Government Association Judicial Council. All Student Conduct Board members, including justices, receive annual training from the Office of Student Conduct. Student Conduct Board members who serve on hearings related to allegations of sex discrimination, including but not limited to relationship violence, sexual assault, sex harassment and stalking receive additional training annually.

(4) Student Rights in the Student Conduct Review Process.

The following rights shall be explained to each charged student prior to the commencement of any formal disciplinary hearing:

- (a) The charged student shall be afforded reasonable written notice, at least five (5) business days prior to the formal hearing, unless waived in writing. Written notice sent to the charged student's electronic and/or physical address listed in the Registrar's records shall constitute full and adequate notice. Written notice shall include:
1. The student's name and address.
 2. Date, time and location and nature of the proceeding of the formal hearing.
 3. The rule(s) of conduct allegedly violated as known at the time formal charges are prepared.
 4. Names of potential witnesses known at the time formal charges are prepared.
 5. A description of any written or physical documentation known at the time formal charges are prepared.

- (b) The student may have, at his or her own expense and initiative, an advisor present at the hearing. It is the student's responsibility to make appropriate arrangements for the advisor to attend the hearing, and the hearing shall not be delayed due to scheduling conflicts of the chosen advisor. The advisor may be present to advise the student but shall not speak for or present the case for the student or otherwise participate directly in the proceeding. The student may consult with their advisor at any time during the hearing. This consultation must take place in a manner that does not disrupt the proceedings. In addition, an advisor may not serve as a witness. If the advisor does not adhere to their defined role in the student conduct review process, they may be removed from the hearing.
- (c) All hearings shall be conducted on the basis that the charged student is not in violation until the preponderance of evidence proves otherwise. At a hearing, the technical rules of evidence applicable to civil and criminal cases shall not apply. The burden of proof in a student conduct hearing is not on the student charged with a violation of the Rules of Conduct.
- (d) The student may inspect any information presented in support of the charges at least three (3) business days before the formal hearing. The University also has the right to review any information the student intends to use at least three (3) business days before the formal hearing. Only such information that is determined Relevant Information will be made part of the hearing record.
- (e) The university cannot compel any person to attend a formal hearing. However, all parties may arrange for witnesses to voluntarily present Relevant Information during the proceeding. The student may hear and question adverse parties who testify at the hearing.
- (f) The student shall not be forced to present self-incriminating information; however, the University is not required to postpone disciplinary proceedings pending the outcome of any civil or criminal case. The University's formal hearing is not a criminal or judicial proceeding and is designed to address student behavior; therefore, alleged violations of the UCF Rules of Conduct will be addressed independently of any outcome imposed by the courts for a criminal offense.
- (g) The proposed finding, as well as the Director of the OSC's or designee's determination, of "in violation" or "not in violation" on the charges shall be based solely on the information presented at the formal hearing.
- (h) Only if the proposed finding of the hearing body is that the student is in violation, will prior conduct history be reviewed and potentially affect proposed sanctioning.
- (i) The results of any formal hearing shall be made available to the student within seven (7) business days following the hearing (deadline can be extended by mutual agreement of the charged student and the Director of the OSC's or designee). For academic integrity cases, the results of any formal hearing shall be made available to the student within fourteen (14) business days following the hearing.
- (j) The student's enrollment status shall remain unchanged pending the University's final agency action in the matter, except in cases where the VP of SDES or designee determines that the safety, health, or general welfare of the student, any individual, or any part of the University may be involved.

(5) Additional Procedures in Cases of Sexual Misconduct and/or Interpersonal Violence. Where a student is charged with Sexual Misconduct and/or Interpersonal Violence, the procedures outlined in UCF-5.006(10) will apply in addition to the procedures of the Student Conduct Review Process outlined above

(6) Sanctions.

- (a) **Disciplinary Warning-** An official warning that the student's behavior is in violation of the UCF Rules of Conduct, and that if the student is subsequently found in violation of a rule while on disciplinary warning; subsequent action may be more severe.
- (b) **Disciplinary Probation-** Disciplinary probation status shall be for a specific length of time in which any further violation of the rules of conduct puts the student's status with the University in jeopardy. If the student is found "in-violation" for another violation of the rules of conduct, while on disciplinary probation, more severe sanctions may be imposed such as suspension or expulsion. Restrictive conditions may be imposed and vary according to the severity of the offense. While on disciplinary probation, restrictive conditions may include, but may not be limited to the following: loss of good standing, which may become a matter of record; denial of the privilege to occupy a position of leadership or responsibility in any University registered student organization, publication, or activity, or ability to represent the University in an official capacity or position; trespass of University facilities or other areas of campus or contact with another specified person(s). Under disciplinary probation, the student may continue to attend classes and is given a chance to show capability and willingness to live in accordance with University rules. However, if the student is subsequently found in violation of a rule while on disciplinary probation, the University may suspend or expel the student from the University. While on Disciplinary Probation, a hold will be placed on a student's record for record keeping purposes.
- (c) **Deferred Suspension -** Deferred suspension is used for offenses found serious enough to warrant disciplinary suspension, but where the specific circumstances of the case mitigate the offense or for repeated offenses of a less serious nature. Deferred suspension is a designated period of time during which a student is given the opportunity to demonstrate the ability to abide by the community's expectations of behavior articulated in the Rules of Conduct. During a deferred suspension, the student will be officially suspended from the university, but the suspension will be deferred, meaning that the student may continue to attend classes. However, the suspension will be automatically enforced for failure to complete any assigned sanctions by the deadline(s) and/or for any subsequent violation of the Rules of Conduct unless the Director of the OSC determines otherwise in exceptional circumstances. If the student is found in violation for any subsequent violation(s) of the Rules of Conduct, the student will be automatically suspended for a minimum of two (2) semesters in addition to the educational sanctions imposed for the subsequent violation. Students placed on deferred suspension will have a conduct overlay placed on their transcripts for the period of time that the deferred suspension is in effect. The conduct overlay is a notation indicating that the student is not in good standing. Students on deferred suspension may be limited in their abilities to represent the university on any athletic team other than intramurals, hold an office in any registered student organization, represent the university in any extracurricular activity or official function, or participate in any study abroad program. Deferred Suspension may also include the denial of specific university privileges, including but not limited to, attendance at athletic functions, unrestricted library use, parking privileges, university computer and network usage, and residence hall visitation for a designated period of time. The duration of any deferred suspension period and the specific restrictions imposed will be determined by the OSC on a case-by-case basis

- (d) **Disciplinary Suspension-** A student involved in an offense warranting consideration of action more serious than disciplinary probation or one involved in repeated misconduct may face disciplinary suspension. During the period of disciplinary suspension, a student may not be enrolled in classes, participate in University related activities, whether they occur on or off campus. A student under disciplinary suspension may not otherwise be present on University premises unless authorized in writing in advance under conditions approved by the Director of the OSC. Upon being withdrawn, the student may no longer enroll in classes, may not be an active member of a Registered Student Organization, may no longer use university facilities, must vacate university owned housing, may no longer be permitted on university property, may not be employed by the University, and may be entitled to whatever refunds of tuition, fees, and room and board charges as would be appropriate given the timing of the withdrawal. In determining if and to what extent suspended students shall be authorized to be on University premises, the Director of the OSC or designee shall consider whether the suspension creates an undue hardship on the suspended student in regard to considerations that include, but are not limited to, the medical needs of the student. An overlay will be placed on a student's record during the period of disciplinary suspension. Further, while on disciplinary suspension, a hold will be placed on a student's record for record keeping purposes. All assigned educational sanctions must be completed prior to the conclusion of disciplinary suspension; otherwise the disciplinary suspension will remain in effect.
- (e) **Disciplinary Dismissal –** Dismissal is a sanction which removes the student from the individual's academic program and separates the student from the University for a period of at least two years and up to seven years. A dismissed student has none of the rights or privileges of a student of the University. Following disciplinary dismissal, the individual must apply for readmission to the University. Readmission is possible but not guaranteed and will only be considered after the two to seven year time allotted from the effective date of the dismissal, based on meeting all readmission criteria and obtaining clearance from the Dean of Students or designee. This may include restricted access to campus and/or other specified activities.
- (f) **Disciplinary Expulsion-** Expulsion is a sanction which removes the student from the individual's academic program and permanently separates a student from the University without opportunity to graduate or re-enroll at the university in the future. An overlay will be permanently placed on the student's record. Further, a hold will be permanently placed on a student's record for record keeping purposes.
- (g) **Educational Sanctions-** In conjunction with a sanction listed above, a student found to have been in violation of any of the Rules of Conduct will be assigned educational requirements such as, but not limited to, reflective/research papers, classes/seminars, community service, interviews, etc. If a student has any outstanding educational requirements at the conclusion of disciplinary probation or disciplinary suspension, a student's disciplinary probation or disciplinary suspension status and hold will remain in effect pending the completion of the educational requirements.

The Golden Rule 5.010

Student Conduct Appeals

(1) Appeals within the Student Conduct Review Process

- (a) Students found in violation as a result of a formal hearing may appeal the finding(s) and sanction(s) imposed. The appeal must be made in writing to the Appellate Officer (VP of SDES or designee) within seven (7) business days after the date the student was notified of the decision by the Director of the OSC or designee. The appeal form can be found at <http://osc.sdes.ucf.edu/process>.
- (b) Students may appeal the finding(s) and sanction(s) imposed on the basis of one or more of the following:
 - 1. Irregularities in fairness and stated procedures of the hearing that could have affected the outcome of the hearing.
 - 2. Discovery of new and significant information that could have affected the outcome of the hearing and that was not known or could not reasonably have been discovered and/or presented at the time of the initial hearing.
 - 3. The sanction(s) are extraordinarily disproportionate to the violation(s).
- (c) On the appeal form, the student must state the reason(s) for appeal, the supporting facts, and the recommended solution. This is not a re-hearing of the conduct case. An appeal cannot be filed simply because a student is dissatisfied with the decision. Failure to describe the nature of the information in full detail in the appeal letter will result in the denial of an appeal.
- (d) The Appellate Officer shall first determine if sufficient grounds for appeal exist and then, if so, may either deny the appeal, thus sustaining the initial decision, or do one of the following:
 - 1. If the student alleges that the sanction was disproportionate to the violation(s) and the Appellate Officer finds the sanction to be disproportionate, the Appellate Officer may reduce the sanction.
 - 2. If the student alleges that there was a defect in procedure or new information was presented which was sufficiently substantial to have affected the outcome and the Appellate Officer, the Appellate Officer will order a new hearing.
- (e) The student shall receive a written decision to the appeal within twenty business days (deadline can be extended by mutual agreement of the charged student and the Appellate Officer). Decisions of the Appellate Officer reflect final action.
- (f) Any decision by an Appellate Officer to alter sanctions or return a case shall be accompanied by a concise and explicit written statement that explains the basis for that decision.
- (g) The Office of Student Conduct cannot place an overlay on the student's record until the appeal decision is completed or if the student chooses not to appeal. At such time, if appropriate, a hold and/or overlay, is placed on the student's record. If the Appellate Officer upholds the original findings, the effective date of any disciplinary sanction(s) imposed will revert back to the date of the Director of the OSC's or designee's final decision letter.

(2) Appeals within the Student Conduct Review Process for Complainants and Respondents

- (a) Complainants and Respondents in matters involving allegations of sexual misconduct and/or interpersonal violence complicity (as defined above in section 5.008(5)) may appeal the finding(s) and sanction(s) imposed from a student conduct formal hearing. The appeal must be made in

writing to the Appellate Officer (VP of SDES or designee) within seven (7) business days after the date both the Respondent and Complainant are notified of the decision by the Director of the OSC or designee. The appeal form can be found at <http://osc.sdes.ucf.edu/process>.

- (b) Complainants and Respondents may appeal the finding and sanction(s) imposed on the basis of one or more of the following: 1. Irregularities in fairness and stated procedures of the hearing that could have affected the outcome of the hearing. 2. Discovery of new and significant information that could have affected the outcome of the hearing and that was not known or could not reasonably have been discovered and/or presented at the time of the initial hearing. 3. The sanction(s) are extraordinarily disproportionate to the violation(s).
- (c) On the appeal form, the student must state the reason(s) for appeal, supporting facts, and the recommended solution. Failure to describe the nature of the information in full detail in the appeal letter will result in the denial of the appeal.
- (d) The Appellate Officer shall first determine if sufficient grounds for appeal exist and then, if so, may either deny the appeal, thus sustaining the initial decision and sanction(s) or do one of the following:
 - 1. If the Complainant or Respondent alleges that the sanction was disproportionate to the violation(s) and the Appellate Officer finds the sanction to be disproportionate, the Appellate Officer may alter the sanction.
 - 2. If the Complainant or Respondent alleges that there was a defect in procedure or new information was presented which was sufficiently substantial to have affected the outcome and the Appellate Officer agrees, the Appellate Officer will order a new hearing.
- (e) The Complainant and Respondent shall receive a written decision within twenty (20) business days (deadline can be extended by mutual agreement of the charged student and the Appellate Officer).
- (f) Any decision by an Appellate Officer to alter sanctions or return a case shall be accompanied by a concise and explicit written statement that explains the basis for that decision.
- (g) If the decision of the Appellate Officer is to modify the sanction, the Complainant and Respondent shall each be afforded the right to file an appeal of the modified sanction, in accordance with the procedures outlined above in 5.010(2) (a) through (f). Unless the appeal results in a further modification of the sanctions, no further appeal is allowed and the decision becomes final.